

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 466**

**Introduced by Assembly Member Steinberg**  
*(Principal coauthor: Senator Sher)*

February 14, 2003

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An act to add Section 6105 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 466, as amended, Steinberg. Contracting preferences: wood materials and products.

Existing law governing contracting by public entities recognizes various preferences, including preferences granted to local contractors, small businesses, and suppliers of recycled and compost products.

This bill would prohibit state agencies *and school districts* from purchasing wood materials or wood products derived from ancient forest trees, unless specified requirements are met, *and from illegally harvested trees, as defined. This bill would specify that these prohibitions apply only to contracts that exceed \$5,000 in cost. This bill would also require state agencies and school districts to state in writing these prohibitions in any request for bids to purchase wood materials or wood products. This bill would require bidders on these contracts to provide a statement, under penalty of perjury, that they have complied with these prohibitions, as provided, and require these bidders to submit documentation regarding the products to be provided under the contract, as specified. This bill would also prohibit a contractor, vendor, or forest certification accreditation organization that falsifies these*

statements or documents from conducting any business with the state for 5 years, as specified.

By requiring additional statements to be submitted under the penalty of perjury, this bill would create a new crime and thus create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6105 is added to the Public Contract
- 2 Code, to read:
- 3 6105. (a) Notwithstanding any other provision of law, a state
- 4 agency *or a school district* may not purchase wood materials or
- 5 wood products ~~derived from, or manufactured from, an ancient~~
- 6 ~~forest tree, unless the wood material or product meets either of the~~
- 7 ~~following requirements:~~
- 8 ~~(1) It is produced from a forest that has been certified by a~~
- 9 ~~certification organization that is accredited by the Forest~~
- 10 ~~Stewardship Council as being soundly managed.~~
- 11 ~~(2) It is a reclaimed wood product, whenever alternative wood~~
- 12 ~~materials or wood products are available.~~
- 13 ~~(b) The following definitions apply to this section:~~
- 14 ~~(1) "Ancient forest tree" means a tree 200 years of age or older,~~
- 15 ~~of those commercial species defined in Section 895.1 of Title 14~~
- 16 ~~of the California Code of Regulations, as that section was in effect~~
- 17 ~~January 1, 2001.~~
- 18 ~~(2) "Available" means providing comparable delivery~~
- 19 ~~services and packaging specifications that the agency requires~~
- 20 ~~from all suppliers of that wood material or wood product. A state~~
- 21 ~~agency may not establish specifications that unnecessarily prevent~~
- 22 ~~compliance with this section. derived from, or manufactured from,~~
- 23 ~~either of the following:~~
- 24 ~~(1) An illegally harvested tree.~~

(2) *An ancient forest tree, unless either of the following conditions exist:*

(A) *The wood material or wood product is a reclaimed wood product.*

(B) *The cost of the wood material or wood product derived or manufactured from an ancient forest tree exceeds the cost of the wood material or wood product derived from a tree that is not an ancient forest tree.*

(b) *For purposes of this section:*

(1) *“Ancient forest tree” means a tree from a mature, late seral stand of trees that has never been commercially logged.*

(2) *“Illegally harvested tree” means a tree that has been harvested in violation of a local, state, or national law or administrative requirement or prohibition.*

(3) *“Reclaimed wood” means wood salvaged from old buildings, discarded pallets, or other post-consumer sources that is suitable for reuse.*

(c) *This section applies to procurement and purchases of products that include all of the following:*

(1) *Wood construction materials, including, but not limited to, lumber, plywood, framing, siding, beams, joists, underlayment, flooring, paneling, veneer, trim, molding, doors, windows, stair parts, fencing, and decking.*

(2) *Wood furniture, including, but not limited to, desks, chairs, tables, bookshelves, benches, playground equipment, and cabinets.*

~~(3) *Signs, posts, frames, boxes, clocks, plaques, and turning blanks.*~~

~~(d) *This section does not apply to contracts for purchases of one thousand dollars (\$1,000) or less.*~~

(3) *Other wood products.*

(d) (1) *Each request for bids by a state agency or by a school district for a contract to provide wood materials or wood products shall state in writing the requirements of this section.*

(2) *Any contractor or vendor that submits a bid on a contract with a state agency or a school district to provide wood materials or wood products shall include with that bid both of the following:*

(A) *A statement signed by the contractor or vendor under penalty of perjury that the wood materials or wood products that*

1 will be provided under the contract comply with the requirements  
2 of this section.

3 (B) Documentation, where available, that demonstrates that  
4 the wood materials or wood products that will be provided under  
5 the contract comply with the requirements of this section.

6 (3) Any contractor, vendor, or forest certification accreditation  
7 organization that falsifies a statement or document described in  
8 paragraph (2) may not do any business with the state for a period  
9 of five years after the date that the bid was submitted.

10 (e) This section applies to contracts for purchases that exceed  
11 five thousand dollars (\$5,000).

12 SEC. 2. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 the only costs that may be incurred by a local agency or school  
15 district will be incurred because this act creates a new crime or  
16 infraction, eliminates a crime or infraction, or changes the penalty  
17 for a crime or infraction, within the meaning of Section 17556 of  
18 the Government Code, or changes the definition of a crime within  
19 the meaning of Section 6 of Article XIII B of the California  
20 Constitution.

